

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Charlotte Division**

In re: Matthew Alan Jenkins, d/b/a Shephard Service Company, Debtor.	Case No. 12-50413 Chapter 7
James T. Ward, Sr., Trustee, and Linda Simpson, United States Bankruptcy Administrator, Plaintiffs, v. Matthew Alan Jenkins, Defendant.	Adversary Proceeding 12-3223

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Plaintiffs James T. Ward, trustee (the "Trustee") for Matthew Alan Jenkins (the "Debtor"), and Linda Simpson, the United States Bankruptcy Administrator (the "BA") hereby move, pursuant to Fed. R. Civ. P. 56, as made applicable herein by Fed. R. Bankr. P. 7056, for entry of summary judgment as to each of the Plaintiffs' three causes of action asserted in the Complaint (the "Motion"). Summary judgment is appropriate because, as set forth in Plaintiffs' brief filed contemporaneously herewith in support of this Motion, based on the Debtor's admissions and documentary evidence provided to the Trustee, there is no genuine issue of material fact with respect to Plaintiffs' claims pursuant to 11 U.S.C. §§ 727(a)(2); (a)(3) and (a)(4). Accordingly, the Debtor's discharge should be denied as a matter of law.

WHEREFORE, Plaintiffs pray that the Court will enter summary judgment pursuant to 11 U.S.C. §§ 727(a)(2); (a)(3) and (a)(4) and grant such further relief as is just and proper.

This is the 22d day of January, 2013.

/s/ A. Cotten Wright

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Attorneys for the Trustee, James T. Ward, Sr.

/s/ Linda W. Simpson

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United States Bankruptcy Administrator

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NOTICE OF HEARING

TAKE NOTICE that on **February 27, 2013, at 9:30 A.M.** in the Bankruptcy Courtroom in the United States Courthouse, 401 West Trade Street, Charlotte, North Carolina, this Court will conduct a hearing on the *Plaintiffs' Motion for Summary Judgment* (the "Motion") filed in the above-referenced adversary proceeding. You may obtain a copy of Motion from the Bankruptcy Court's website at www.ncwb.uscourts.gov or by contacting the undersigned.

Your rights may be affected. You should read this Notice carefully and discuss it with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to enter an Order approving the Motion, or if you want the Court to consider your views on the Motion, then on or before **February 5, 2013**, you or your attorney must do three (3) things:

1. File with the Court a written request for a hearing at:

U.S. Bankruptcy Court
Post Office Box 34189
Charlotte, NC 28234

If you mail your request to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

2. On or before the date stated above for filing your written request for hearing, you must also mail or fax a copy of your written request for hearing to:

A. Cotten Wright
Grier, Furr & Crisp, PA
101 North Tryon Street, Suite 1240
Charlotte, NC 28246
Fax: (704) 332-0215

Linda Simpson
U.S. Bankruptcy Administrator
402 West Trade Street, Suite 200
Charlotte, NC 28202
Fax: (704) 344-6666

3. If you request a hearing, you or your attorney must attend the hearing which would be held at 9:30 a.m. on **February 27, 2013**, in the Bankruptcy Courtroom at 401 West Trade Street, Charlotte, NC.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief requested and may enter an order granting the relief.

DATED this 22d day of January, 2013.

/s/ A. Cotten Wright
A. Cotten Wright
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that copies of the Motion for Summary Judgment, Brief in Support of Motion for Summary Judgment, Affidavit of A. Cotten Wright in Support of Plaintiffs' Motion for Summary Judgment, and Notice of Hearing were served on the following parties by email, electronic service and by U. S. mail, postage prepaid and addressed as follows:

U.S. Bankruptcy Administrator
402 W. Trade St., Ste. 200
Charlotte, NC 28202-1669
Via electronic service

Matthew Alan Jenkins
14833 Mansa Dr.
La Mirada, CA 90638
shephard68@yahoo.com

This is the 22d of January, 2013.

A. Cotten Wright
Grier Furr & Crisp, PA
101 N. Tryon St., Suite 1240
Charlotte, NC 28246